

In re Application of: Eran FINE
Serial No.: 10/538,173
Filed: August 7, 2006
Office Action Mailing Date: February 10, 2009

Examiner: Omar R. Rojas
Group Art Unit: 2874
Attorney Docket: 30063

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 90-96, 101, 104-111, 114-120, 123, 127, 128, 131-141 are in this Application. Claims 90-96, 101, 103-108, 123, 127 and 130 have been rejected. Claims 105, 109-111, 114-120 and 129 have been objected to. Claims 1-89, 97-100, 102, 103, 112, 113, 121, 122, 124-126, 129 and 130 have been cancelled. Claims 90, 104-109, 123 have been amended. New claims 131-141 have been added.

35 U.S.C. § 103 Rejections

The Examiner rejects claims 90-96, 101, 103-105, 107, 108, 123, 127, 128 and 130 under 35 U.S.C. § 103(a) as being unpatentable over Neuberger *et al.* in view of Lieberman *et al.*, and claim 106 under 35 U.S.C. § 103(a) as being unpatentable over Neuberger *et al.* in view of Lieberman *et al.* and further in view of Muto.

While traversing the Examiner rejection and in order to expedite prosecution of this case, Applicant has cancelled claim 130 and amended independent claims 90 and 123 to include the allowable subject matter found in claim 129 (now cancelled), thereby rendering moot the Examiner's rejection with respect to claims 90, 123 and 130 as well as claims 91-96, 101, 103-105, 107, 108, 127 and 128 which directly or indirectly depend from claim 90.

Claim Amendments

Claims 90 and 123 have been amended to include the limitation that the flexible material comprises a first layer having a first refractive index, and a second layer being in contact with the first layer and having a second refractive index being larger than the first refractive index, wherein the particles are distributed in the first layer and the second layer. This limitation finds support in claims 103 and 129, now cancelled.

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It is submitted that claim 129 is patentable at least because none of Neuberger *et al.* and Lieberman *et al.*, discloses a first layer and a second layer wherein the particles are distributed in the first and second layer.

In view of the cancellation of claim 103, the dependency of each of claims 104-109 have amended so as not to depend on a cancelled claim.

New claim 131 depends from claim 90 and includes the limitation that the plurality of particles comprises at least one type of particles selected from the group consisting of fluorescent particles and beads having a combination of fluorophore molecules. This limitation finds support in page 15 line 24 and page 16 lines 14-15. Claim 131 is patentable at least by virtue of its dependency on claim 90.

New claim 132 is an independent claim which includes the allowable subject matter of claim 109.

New claim 133 is a dependent claim which includes the allowable subject matter of claim 110.

New claim 134 is an independent claim which includes the allowable subject matter of claim 111.

New claims 135-141 are dependent claim which include the allowable subject matter of claims 114-120, respectively.

In view of the above amendments and remarks it is respectfully submitted that the claims are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Martin D. Moynihan
Registration No. 40,338

Date: March 23, 2009

Enclosures:

- ☐ Additional Claims Transmittal Fee
- ☐ Formal Drawing Transmittal Sheet
- ☐ Complete Set of Replacement Drawing Sheets

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of.:

Eran FINE

Serial No.: 10/538,173

Filed: August 7, 2006

For: FLEXIBLE OPTICAL DEVICE

Examiner: Omar R. ROJAS



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Group Art Unit: 2874

Attorney Docket: 30063

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FORMAL DRAWINGS

Sir:

We enclose herewith a new set of formal drawings, 12 sheets, for the above-identified patent application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Martin D. Moynihan".

Martin D. Moynihan
Registration No. 40,338

Date: March 23, 2009